

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JOHN ANCTIL, et al.,

Plaintiffs,

-against-

ALLY FINANCIAL, INC., et al.,

Defendants.

**Civil Action No. 12-CV-8572**

Hon. Cathy Seibel

**DECLARATION OF MICHAEL A. WEISS IN SUPPORT OF MOTION TO DISMISS**

I, Michael A. Weiss, hereby declare as follows:

1. I am an associate of DAY PITNEY LLP, the attorneys for Defendants Deutsche Bank, AG (“DB AG”) and MortgageIT, Inc. in this action. As such, I am familiar with the facts and circumstances surrounding this action.

2. I submit this declaration in support of the Motion to Dismiss Plaintiffs’ Second Amended Complaint.

3. Attached hereto as Exhibit A is a true and correct copy of the mortgage, dated August 29, 2007, securing the loan made by MortgageIT to Sandra R. Lapidez and James P. Lapidez in the amount of \$417,000 (the “Lapidez Mortgage”), which Day Pitney obtained from the public land records of Norfolk County, MA.

4. Attached hereto as Exhibit B is a true and correct copy of a Complaint to Foreclose Mortgage relating to the Lapidez Mortgage identifying the plaintiff as “Wells Fargo Bank, NA,” which Day Pitney obtained from the public land records of Norfolk County, MA.

5. Attached hereto as Exhibit C is a true and correct copy of a Massachusetts Foreclosure Deed by Corporation relating to the Lapidez Mortgage, under which Wells Fargo Bank, NA deeded the mortgaged property to Federal National Mortgage Association, which Day Pitney obtained from the public land records of Norfolk County, MA.

6. Attached hereto as Exhibit D is a true and correct copy of the mortgage, dated October 27, 2006, securing the loan made by MortgageIT to John C. Lopes in the amount of \$210,000 (the “Lopes Mortgage”), which Day Pitney obtained from the public land records of Bristol County, MA.

7. Attached hereto as Exhibit E is a true and correct copy of a Complaint to Foreclose Mortgage relating to the Lopes Mortgage identifying the plaintiff as “Wells Fargo Bank, NA,” which Day Pitney obtained from the public land records of Bristol County, MA.

8. Attached hereto as Exhibit F is a true and correct copy of a Massachusetts Foreclosure Deed by Corporation relating to the Lopes Mortgage, under which Wells Fargo Bank, NA deeded the mortgaged property to Federal National Mortgage Association, which Day Pitney obtained from the public land records of Bristol County, MA.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration is executed on June 20, 2013 at New York, NY.

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/s/ Michael A. Weiss  
Michael A. Weiss